

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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LINWOOD EDWARD TRACY, JR.; et al.,

Plaintiffs,

v.

CEO, SUCCESSOR FOR DEUTSCHE
NATIONAL TRUST COMPANY; et al.,

Defendants.

3:11-cv-0436-LRH-VPC

ORDER

Before the court is defendants Chief United States District Judge Robert C. Jones (“Chief Judge Jones”) and Lesa Ettinger’s (“Ettinger”) motion to dismiss. Doc. #123.¹ Plaintiff Linwood Edward Tracy, Jr. (“Tracy”) filed an opposition. Doc. #129.

I. Facts and Background

At its core, this is a wrongful foreclosure and wrongful taxation action. Plaintiff William Gerald Fillion (“Fillion”) owned real property in California which was subject to state, county, and city tax assessments. The tax assessments went unpaid and eventually the property was foreclosed upon.

On June 21, 2011, plaintiffs filed a civil rights complaint against defendants for violation of their First and Fourth Amendment rights. *See* Doc. #1. In particular, plaintiffs challenge the tax assessments and foreclosure claiming that the property belonged to a non-profit organization.

¹ Refers to the court’s docket number.

1 Thereafter, Chief Judge Jones and his courtroom administrator, defendant Ettinger, filed the present
2 motion to dismiss on the basis of judicial immunity. Doc. #123.

3 **II. Discussion**

4 Judges are entitled to absolute immunity “from civil liability for damages for their judicial
5 acts.” *Mullins v. U.S. Bankruptcy Court for Dist. of Nev.*, 828 F.2d 1385, 1388 (9th Cir. 1987).
6 Judicial immunity is an absolute immunity from suit. *See Mitchell v. Forsyth*, 472 U.S. 511, 526
7 (1985). Additionally, judicial immunity extends to officials performing quasi-judicial functions.
8 *See Romano v. Bible*, 169 F.3d 1182, 1186 (9th Cir. 1999) (“absolute immunity extends to agency
9 officials when they preside over hearings, initiate agency adjudication, or otherwise perform
10 functions analogous to judges and prosecutors.”); *see also, Demoran v. Witt*, 781 F.2d 155, 156 (9th
11 Cir. 1985) (“courts have extended absolute judicial immunity from damage actions under 42 U.S.C.
12 § 1983 not only to judges but also to officers whose functions bear a close association to the
13 judicial process.”).

14 In their complaint, plaintiffs allege that Chief Judge Jones and his courtroom administrator
15 Ettinger violated their civil rights by overseeing several other civil actions initiated in the District
16 of Nevada. The court has reviewed the documents and pleadings on file in this matter and finds that
17 both Chief Judge Jones and defendant Ettinger are entitled to judicial immunity because the
18 allegations in the complaint relate solely to the judicial acts carried out by Chief Judge Jones and
19 the quasi-judicial acts of defendant Ettinger in overseeing Tracy’s other civil actions. Accordingly,
20 the court shall grant moving defendants’ motion to dismiss on the basis of judicial immunity.

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1 IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #123) is
2 GRANTED. Defendants Chief United States District Court Judge Robert C. Jones and Lesa
3 Ettinger are DISMISSED as defendants in this action.

4 IT IS SO ORDERED.

5 DATED this 5th day of July, 2012.



7 LARRY R. HICKS
8 UNITED STATES DISTRICT JUDGE
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